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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,580	05/10/2001	Jiunn-Ren Hwang	NAUP0292USA	3189

27765 7590 10/22/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER

RUGGLES, JOHN S

ART UNIT PAPER NUMBER

1756

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

09/851,580

Examiner

John Ruggles

Applicant(s)

HWANG ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

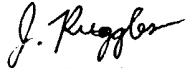
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09 October 2003.
  - (a) ☒ A reply was received on 06 May 2004 (with a Certificate of Mailing or Transmission dated X), which is after the expiration of the period for reply (including a total extension of time of 5 month(s)) which expired on 09 April 2004.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:  
  
See Continuation Sheet

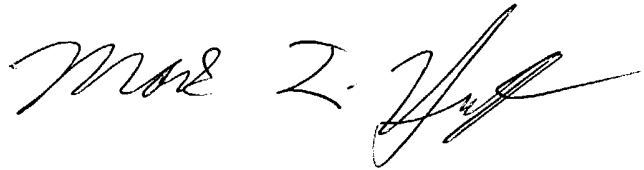
  
John Ruggles  
Examiner, Art Unit 1756  
571-272-1390

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: On 4/14/04, the Examiner contacted Applicants' representative, Winston Hsu, since no response had been received more than 6 months after a notice of non-compliance was mailed on 10/9/03. Winston Hsu stated that the 10/9/03 Office action had not been received and requested that an unofficial copy be faxed to him for response. This fax was sent on or about 4/14/04. Applicants were also informed of their burden to comply with MPEP 711.03 C II, requiring specific evidence to show non-receipt of the 10/9/03 Office action, in order to avoid a holding of abandonment. The interview summary mailed on 4/16/04 to Applicants clearly set forth this latter requirement, but Applicants' submission filed on 5/6/04 (1) is untimely in response to the 10/9/03 Office action and (2) is non-responsive to the 4/16/04 interview summary as not providing any evidence in compliance with MPEP 711.03 C II showing non-receipt of the 10/9/03 Office action. Therefore, this application is now held to be ABANDONED.



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